

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Aug 28, 2020**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JONNY SHINEFLEW,

Defendant.

No. 2:19-CR-00215-TOR-2

ORDER FOLLOWING DETENTION  
REVIEW HEARING

**MOTION DENIED**  
**(ECF No. 297)**

At Defendant's August 27, 2020, detention review hearing, Defendant appeared via video while in custody at the Spokane County Jail. Attorney Peter Schweda represented the Defendant and appeared by video from another location. Assistant U.S. Attorney Ann Wick represented the United States and appeared by video from a separate location. United States Probation Officer Patrick Dennis was present telephonically. At the time of the hearing, Defendant consented to proceeding by video teleconference.

Defendant was arrested in Seattle on June 15, 2020 and has been in custody since. Detention has not been previously argued.

The Court has reviewed Defendant's Motion for Reconsideration, **ECF No. 297**, the United States' response, **ECF No. 315**, the Pretrial Services Report, **ECF No. 267**, the Supplemental Pretrial Services Report, **ECF No. 316**, the comments of Officer Dennis, and the proffers and argument of counsel.

As a threshold matter, Defendant must proffer information not previously known to Defendant or his counsel, amounting to a material change in the

1 circumstances considered by the Court in its prior detention determination. 18  
2 U.S.C. 3142(f).

3 Defendant represents that he has recently contacted and confirmed that he  
4 may reside with a faith-based residential rehabilitation program in the district, that  
5 he has located probable employment, and would be allowed to resume his  
6 participation in Spokane County Superior Court's "Drug Court" diversion  
7 program. Defendant points to the March 2020 birth of a son, his first child, as  
8 motivation for compliance with court-ordered conditions that he remain out of  
9 custody and available to raise his child.

10 Defendant asserts that this information was heretofore unknown, and has a  
11 material bearing on the issue of whether or not release conditions can be fashioned  
12 pursuant to 18 U.S.C. § 3142(f).

13 The United States argued that Defendant's adult record of nineteen felony  
14 convictions beginning at age 20 and accumulating at a consistent rate until age 45,  
15 combined with failing to complete a highly structured Spokane County Superior  
16 Court "Drug Court" diversion program demonstrate that no conditions will  
17 reasonably assure defendant's appearance or the safety of the community.

18 The Pretrial Services report indicates that in 2018 Defendant failed to appear  
19 for a change of plea and sentencing in state court. The same report also indicates  
20 that in late 2019 Defendant started participation in Spokane County Superior  
21 Court's "Drug Court," which is a court ordered pretrial diversion program presided  
22 over by a Superior Court judge, offering dismissal of charges upon completion.  
23 Defendant did not complete the program.

24 The Court finds the United States has established by the required  
25 preponderance of evidence an absence of conditions or combination of conditions  
26 that would reasonably assure this Defendant's presence at trial and by clear and  
27 convincing evidence that Defendant poses a present risk to the safety of other  
28 persons or the community.

1  
2 Therefore, **IT IS ORDERED** Defendant's motion for detention review,  
3 **ECF No. 297**, is **DENIED**. Defendant is remanded to the custody of the United  
4 States Marshal pending disposition of this case or until further order of the court.

5 **IT IS SO ORDERED.**

6 DATED August 28, 2020.



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A handwritten signature in black ink, appearing to be "M" or "Rodgers", is written above a horizontal line.

JOHN T. RODGERS  
UNITED STATES MAGISTRATE JUDGE